



2009 ASSEMBLY BILL 229

April 23, 2009 – Introduced by Representatives SHERMAN, BERCEAU, TURNER, MILROY, TOWNSEND, MASON, A. OTT, JORGENSEN, GUNDERSON, SPANBAUER, BALLWEG and PETROWSKI, cosponsored by Senators TAYLOR, LEHMAN, OLSEN, HOLPERIN, SCHULTZ, LASSA, HARSDFORF and PLALE. Referred to Committee on Agriculture.

1 AN ACT *to renumber* 97.29 (2) (b); and *to create* 97.29 (2) (b) 2. and 97.29 (6) of
2 the statutes; **relating to:** the sale of home-canned food.

Analysis by the Legislative Reference Bureau

Current law requires food processing plant licenses from the Department of Agriculture, Trade and Consumer Protection (DATCP) for certain facilities at which food is manufactured or prepared for sale through processes such as canning, freezing, and bottling, with specified exemptions.

This bill provides an exemption from the requirement to obtain a food processing plant license for the sale of home-prepared and home-canned, acidic fruits or vegetables (such as pickles) at a community or social event or a farmers' market by a person who receives less than \$5,000 per year from the sale of the food and who complies with requirements concerning notice and labeling.

The bill also requires DATCP to attempt to maximize the availability of information and assistance to persons who wish to home process and home can foods that are not naturally acidic.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 97.29 (2) (b) of the statutes is renumbered 97.29 (2) (b) 1.

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1 **SECTION 2.** 97.29 (2) (b) 2. of the statutes is created to read:

2 97.29 **(2)** (b) 2. A person is not required to obtain a license under this section
3 to sell at retail food products that the person prepares and cans at home in this state
4 if all of the following apply:

5 a. The food products are pickles or other vegetables or fruits with an
6 equilibrium pH value of 4.6 or lower.

7 b. The person sells the food products at a community or social event or a
8 farmers' market in this state.

9 c. The person receives less than \$5,000 per year from the sale of the food
10 products.

11 d. The person displays a sign at the place of sale stating: "These canned goods
12 are homemade and not subject to state inspection."

13 e. Each container of food product that is sold is labeled with the name and
14 address of the person who prepared and canned the food product and the date on
15 which the food product was canned.

16 **SECTION 3.** 97.29 (6) of the statutes is created to read:

17 97.29 **(6)** INFORMATION ABOUT HOME CANNING. (a) The department shall
18 encourage persons to whom the exemption in sub. (2) (b) 2. applies to attend and
19 complete training, that is approved by the department, concerning preparing and
20 canning foods and to have their recipes and processes reviewed by a person who is
21 knowledgeable about the food canning industry and who is recognized by the
22 department as an authority on preparing and canning food.

23 (b) The department, in cooperation with the University of
24 Wisconsin–Extension, shall attempt to maximize the availability of information and

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1 technical services and support for persons who wish to home prepare and home can

2 low-acid and acidified food products.

3 (END)